

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

218083US6PCT

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/030192

INTERNATIONAL APPLICATION NO.  
PCT/EP01/02656INTERNATIONAL FILING DATE  
9 March 2001PRIORITY DATE CLAIMED  
2 June 2000

TITLE OF INVENTION

OTOPLASTY FOR BEHIND-THE-EAR (BTE) HEARING AIDS

APPLICANT(S) FOR DO/EO/US

BAYER Erich

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

**Request for Priority****Request for Consideration of Documents Cited in International Search Report****Drawings (13 sheets)****Letter Regarding Small Entity Status**

Page 2 of 2

DOCKET NO.: 218083US6PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Erich BAYER  
SERIAL NO.: NEW U.S. PCT APPLICATION  
FILED: HERewith  
INTERNATIONAL APPLICATION NO.: PCT/EP01/02656  
INTERNATIONAL FILING DATE: March 9, 2001  
FOR: OTOPLASTY FOR BEHIND-THE-EAR (BTE) HEARING AIDS

**REQUEST FOR CONSIDERATION OF DOCUMENTS**  
**CITED IN INTERNATIONAL SEARCH REPORT**

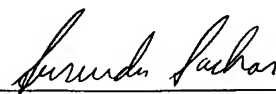
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423



22850

(703) 413-3000  
Fax No. (703) 413-2220  
(OSMMN 1/97)

DOCKET NO: 218083US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: BAYER Erich :

SERIAL NO: NEW U.S. PCT APPLICATION :  
(Based on PCT/EP01/02656)

FILED: HEREWITH :

FOR: OSTOPLASTY FOR BEHIND- :  
THE-EAR (BTE) HEARING AIDS

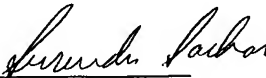
LETTER REGARDING CLAIM TO SMALL ENTITY STATUS

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicant(s) hereby give notice that Small Entity Status is claimed in the above-identified application.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Surinder Sachar  
Registration No.34,423

DOCKET NO.: 218083US6PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Erich BAYER  
SERIAL NO.: NEW U.S. PCT APPLICATION  
FILED: HERewith  
INTERNATIONAL APPLICATION NO.: PCT/EP01/02656  
INTERNATIONAL FILING DATE: March 9, 2001  
FOR: OTOPLASTY FOR BEHIND-THE-EAR (BTE) HEARING AIDS

**REQUEST FOR PRIORITY UNDER 35 U.S.C. 119  
AND THE INTERNATIONAL CONVENTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

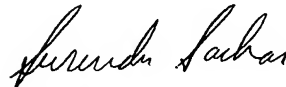
Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

<b><u>COUNTRY</u></b>	<b><u>APPLICATION NO</u></b>	<b><u>DAY/MONTH/YEAR</u></b>
Germany	200 09 908.6	2 June 2000

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/EP01/02656.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423



22850

(703) 413-3000  
Fax No. (703) 413-2220  
(OSMMN 1/97)